

MANISTEE CITY PLANNING COMMISSION

70 Maple Street
P.O. Box 358
Manistee, Michigan 49660

MEETING OF FEBRUARY 1, 1996

There will be a meeting of the Manistee City Planning Commission to be held on Thursday, February 1, 1996 at 7:00 P.M. in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

AGENDA

- I. Roll Call
- II. Matters Pertaining to the General Citizenry:
 - A. Public Hearing:
 - 1. Lighthouse Landings - Limited Liability Company - Special Use Permit
 - B. Site Plan Reviews:
 - 1.
 - 2.
 - C. Questions, Concerns and Consideration of Matters Pertaining to Citizens in Attendance:
 - 1.
- III. Business Session:
 - A. Approval of Minutes from Last Meeting (1/18/96)
 - B. Unfinished Business:
 - 1.
 - 2.
 - C. Other Communications:
 - 1. City Update
 - 2.
 - D. Reports:
 - 1. D.D.A. Update
 - 2. Zoning Board of Appeals
 - 3. Site Plan Review/Historic Overlay Committees
 - 4. Joint City Review/Ordinance Committee
 - 5. Public Access North end Lake Michigan Beach
 - 6. Parking - Man-Made Lake
 - 7. Oil & Gas Committee
 - 8. River Street Traffic
 - 9. Pre-Manufactured Homes
 - E. New Business:
 - 1. Lighthouse Landings - Limited Liability Company
 - 2. Set time for February 15, 1996 Worksession
- IV. Work/Study Session:
- V. Adjournment

cc: Planning Commission Members
City Council
R. Ben Bifoss, City Manager
Jon Rose, City Code Administrator
Kurt Schindler, County Planner
Manistee News Advocate
Manistee Observer
WMTE Radio
WXYQ Radio
Dale Picardat, Community Development Officer
Julie Beardslee, Assessor

2.1.96

CODE ADMINISTRATOR CITY OF MANISTEE

MEMORANDUM

TO: Planning Commission Members

FROM: Jon R. Rose

DATE: January 26, 1996

RE: February 1, 1996 Meeting

There will be a public hearing for Lighthouse Landings - Limited Liability Company during the February 1, 1996 meeting. Enclosed for your review are a Special Use Permit Application and the proposed PUD.

I will be at the Budget Workshop on February 1st and will not be attending the meeting. If you have any questions I will be in the office thru Wednesday, January 31st.

We will also be setting the time for the February 15th worksession. Please bring your schedules in case there is discussion for an afternoon meeting.

Please let Denise know if you will be unable to attend the meeting. We already have a few members that will not make the meeting and we need to know if we will have a quorum.

JRR:djm

Enclosures

FROM THE DESK OF...

Jon R. Rose
Code Administrator
City of Manistee
P.O. Box 358
Manistee, MI 49660

(616) 723-2558
FAX: (616) 723-1546

2-1-96

COUNCIL GOVERNMENT
CITY MANAGER PLAN

P.O. BOX 358
MANISTEE, MICHIGAN 49660

CITY OF MANISTEE

Michigan

APPLICATION for SPECIAL USE PERMIT

LIGHTHOUSE LANDINGS-LIMITED LIAB. CO.
APPLICANT
317 5th Ave. #6
ADDRESS
Manistee, Michigan 49660
CITY, STATE & ZIP CODE
TELEPHONE NUMBERS-(HOME) 723-8804
(WORK) 723-6534

FOR OFFICE USE ONLY	
PERMIT NUMBER	
DATE RECEIVED	
TAX PARCEL NUMBER	<u>57-51-311-27503, 04</u>
FEE RECEIVED & DATE	<u>\$150, 1-22-96</u>
RECEIPT NUMBER	<u>9964</u>
ACTION	
REFERRED TO PLANNING COMMISSION	
DATE OF PUBLIC HEARING	
ACTION TAKEN	<input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED
DATE OF ACTION	
EXPIRATION DATE OF PERMIT	

PLEASE NOTE: ALL QUESTIONS MUST BE ANSWERED COMPLETELY. IF ADDITIONAL SPACE IS NEEDED, NUMBER AND ATTACH ADDITIONAL SHEETS. ALL INFORMATION REQUESTED ON THIS FORM MUST BE COMPLETED AND ANY ADDITIONAL INFORMATION REQUIRED BY THE ZONING ADMINISTRATOR, CITY ENGINEER OR CITY PLANNING COMMISSION, IN ORDER TO ADMINISTER THE ZONING & BUILDING ORDINANCES, MUST BE SUPPLIED. APPLICANTS ARE ENCOURAGED TO SEEK ASSISTANT FROM THE ZONING ADMINISTRATOR/BUILDING INSPECTOR IN FILLIN OUT THIS FORM. IF POSSIBLE, PLEASE CALL 616-723-2558 (MONDAY THROUGH FRIDAY, FROM 8 A.M. TO 5 P.M.) AND ASK FOR THE ASSESSOR'S OFFICE TO MAKE AN APPOINTMENT TO AVOID DELAYS.

I. ACTION REQUESTED

IT IS HEREBY REQUESTED THAT THE MANISTEE CITY PLANNING COMMISSION APPROVE THE ISSUANCE OF A SPECIAL USE PERMIT ON THE PROPERTY DESCRIBED IN 'II' PROPERTY INFORMATION (BELOW) WHICH IS LOCATED IN THE R-3 ZONING DISTRICT, FOR THE PURPOSE OF: (STATE PROPOSED USE OF PROPERTY) Planned Unit Development (Duplexes)

A PREVIOUS APPLICATION FOR A VARIANCE, SPECIAL USE PERMIT OR REZONING ON THIS LAND (HAS / ~~NOT~~ BEEN MADE WITH RESPECT TO THESE PREMISES IN THE LAST 5 YEARS. IF A PREVIOUS APPEAL, REZONING, OR SPECIAL USE PERMIT APPLICATION HAS BEEN MADE, STATE THE DATE, NATURE OF ACTION REQUESTED AND THE DECISION: DATE 1991, ACTION REQUESTED Rezoning to R-5 Multi-family (apartments)
DECISION: ☐ APPROVED ☒ DENIED

II. PROPERTY INFORMATION

A. LEGAL DESCRIPTION OF PROPERTY AFFECTED, Commonly known as 9 acres at 1st & Cherry
legal to be attached

TAX ROLL PARCEL PROCESS NUMBER
ADDRESS OF PROPERTY: 1st & Cherry Street (100 Cherry St.?)

(CONTINUED)

II. PROPERTY INFORMATION (CONTINUED)

- B. LIST ALL DEED RESTRICTIONS- CITE LIBER & PAGE WHERE FOUND & ATTACH:
City sewer easement for 27" main

- C. NAMES & ADDRESSES OF ALL OTHER PERSONS, FIRMS OR CORPORATIONS HAVING A LEGAL OR EQUITABLE INTEREST IN THE LAND:
none

- D. THIS AREA IS ☒ UNPLATTED, ☐ PLATTED, ☐ WILL BE PLATTED
IF PLATTED, NAME OF PLAT _____

- E. THE PRESENT USE OF THE PROPERTY IS vacant

- F. ATTACH A SITE PLAN WHICH MEETS THE REQUIREMENTS OF THE SPECIAL USE PERMIT ORDINANCE (SEE ATTACHED LIST OF REQUIREMENTS)

- G. IS A PROPERTY SURVEY ATTACHED? ☐ YES ☒ NO

- H. ESTIMATED COMPLETION DATE OF CONSTRUCTION (IF APPLICABLE): Construction will be phased over approx. 3 years. DEPENDING ON SALES

III. STATEMENT OF JUSTIFICATION FOR REQUESTED ACTION

- A. STATE SPECIFICALLY THE REASON FOR THIS SPECIAL USE PERMIT REQUEST AT THIS TIME
SEE ATTACHED

- B. STATEMENT OF SUPPORT FOR THE REQUEST. PLEASE JUSTIFY YOUR REQUEST FOR A SPECIAL USE PERMIT BELOW. THE JUSTIFICATION SHOULD ADDRESS THE FOLLOWING CONCERNS:
(ATTACH ADDITIONAL SHEETS)

1. THE RELATIONSHIP OF THE SPECIAL USE PERMIT CONDITIONS (ARTICLE 86, SECTION 8609) TO THE PARTICULAR SPECIAL USE PROPOSED. DO THEY POSE ANY UNUSUAL PROBLEMS FOR COMPLIANCE?
2. RELATIONSHIP OF THE PROPOSED USE TO DEVELOPMENT PLANS OF MANISTEE COUNTY AND THE CITY OF MANISTEE.
3. IMPACTS OF THE ADJACENT PROPERTY AND NEIGHBORHOOD. IN PARTICULAR, FIRST INDICATE WHICH IMPACTS OF THE PROPOSED USE ON THE ADJACENT PROPERTY ARE ANTICIPATED AND SECOND, WHAT STEPS WILL BE TAKEN TO MITIGATE ANY NEGATIVE IMPACTS. CONSIDER THE FOLLOWING CONCERNS:
 - A. WILL THE PROPOSED USE ADVERSELY AFFECT THE HEALTH, SAFETY OR ENJOYMENT OF PROPERTY OF PERSONS RESIDING OR WORKING IN THE NEIGHBORHOOD?
 - B. WILL PROPOSED USE BE DETRIMENTAL TO THE PUBLIC WELFARE OR INJURIOUS TO PROPERTY OF IMPROVEMENTS IN THE NEIGHBORHOOD?

IV. INFORMATION REQUIRED IN APPLICATION (AS PER ARTICLE 86, SECTION 8604)

- A. AN APPLICATION FOR SPECIAL USE PERMIT SHALL INCLUDE:

1. A DETAILED SITE PLAN, AS SPELLED OUT IN SECTION 9406 OF THIS ORDINANCE, A COPY OF WHICH IS ATTACHED.
2. A SPECIFIC STATEMENT AND SUPPORTING INFORMATION REGARDING THE REQUIRED FINDINGS FOR THE SPECIAL USE PERMIT, AS STATED IN SECTION 8609.
3. PROPOSED LOCATION OF ANY OPEN SPACES, LANDSCAPING AND BUFFERING FEATURES SUCH AS GREENBELTS, FENCES, ETC.

IV. INFORMATION REQUIRED IN APPLICATION (CONTINUED)

- B. IN ADDITION, THE APPLICANT MAY BE REQUIRED TO FURNISH:
1. ELEVATIONS ON ALL BUILDINGS, INCLUDING ACCESSORY BUILDINGS.
 2. AN ENVIRONMENTAL ASSESSMENT.
 3. EVIDENCE OF HAVING RECEIVED OR HAVING AN AGREEMENT FOR CONCURRENT APPROVAL FOR ANY OTHER NECESSARY PERMITS REQUIRED PRIOR TO A CONSTRUCTION CODE PERMIT.
 4. MEASURES WHICH WILL BE UNDERTAKEN TO CONTROL SOIL EROSION, SHORELINE PROTECTION, EXCESSIVE NOISE, OR ADVERSE IMPACTS OF THE DEVELOPMENT ON THE SURROUNDING PROPERTIES.
- C. THE APPLICANT SHALL CERTIFY THE INFORMATION INCLUDED IS CORRECT AND THAT MEASURES PROPOSED TO MITIGATE ADVERSE IMPACTS WILL BE COMPLETED IN A TIMELY FASHION, IF THE SPECIAL USE PERMIT IS APPROVED.

V. CERTIFICATION AND AFFIDAVIT

THE UNDERSIGNED AFFIRMS THAT HE/~~SHE/IT/WE~~ IS/~~ARE~~ THE ☐ OWNER, ☐ LESSEE, ☒ OWNER'S REPRESENTATIVE, ☐ CONTRACTOR INVOLVED IN THE APPLICATION; AND THAT THE INFORMATION INCLUDED IN THIS APPLICATION IS CORRECT. FURTHER, IF THE REQUEST IS APPROVED, THE APPLICANT CERTIFIES THAT MEASURES PROPOSED TO MITIGATE ADVERSE IMPACTS WILL BE COMPLETED IN A TIMELY FASHION AND WILL ABIDE WITH THE ALL OF THE REQUIREMENTS OF ARTICLE 86 OF THE CITY OF MANISTEE ZONING ORDINANCE.

SIGNATURE(S) OF APPLICANT(S) _____


DUANE JONES, Manager for
LIGHTHOUSE LANDINGS
LIMITED LIABILITY COMPANY

DATED 1-22-96

III.A

III.B

To develop the property under PUD guidelines for residential use at a density less than allowed in the zoning ordinance for R-3 zoning district (the zoning ordinance recommends densities of four to six per acre, and we are proposing less than four per acre). The PUD will allow us to take advantage of the terrain and views of the harbor. Further, the PUD would have no negative or adverse impact on the health, safety or enjoyment of persons residing in the neighborhood. Nor will it be detrimental to the public welfare or injurious to the property or improvements in the surrounding area.

FIRST STREET

ASPHALT SURFACE 66.0' ROW

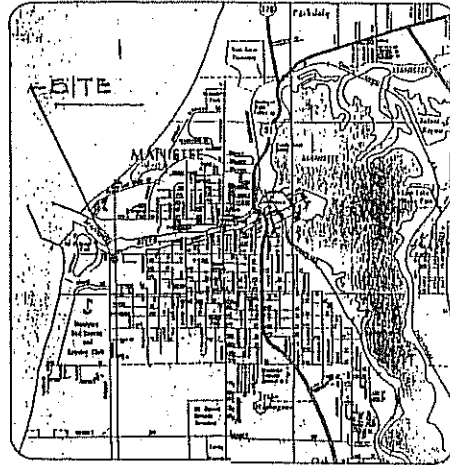
POWER POLE ELEV: 897.42'

N 87° 58' 20" E
335.79'

SOLID CONCR MON.

RETENTION
POND

REMOVED
EXISTING
BLOCK
BUILDING



LOCATION MAP.
SCALE: NONE

ENTRANCE

LANDEADING
ISLAND

400.85'
S 87° 58' 00" E

END PIPE

END PIPE

10.0' SIDE SETBACK
(R-4)

DRIVE

END PIPE

71 89° 30' W
335.85'

529.20'
0 00° 22' 00" W

NOTE:
ALL ROADS PER CITY SPEC.
ALSO STORM DRAIN TO BE
ENGINEERED BY ABONMARCHE
GROUP.

RETENTION
STORM WATER
POND

END PIPE

END IRON
PIPE

71 89° 30' 00" W
427.10'

NE CORNER, OUT
LINE VIEW TO BE
ADDITION TO THE
OR MANIFESTE.

70.0' ROW

C-22-Y STREET
ASPHALT SURFACE 66.0' ROW

STONE
ENTRANCE
AND
SIGNAGE

LAND
SCAPING
POND

25.0'
FRONT
SETBACK
(R-4)

END
IR
PIPE

NORTH
DIRECTION



PROPOSED SITE PLAN
SCALE: 1" = 80.0'

Approved PUD Site Plan 2/96

2.1.96

SITE PLAN REVIEW

NAME: *Lighthouse Landings - Limited Liability Company*

PROPOSED USE: *Planned Unit Development*

ZONING DISTRICT: *R-3*

PARCEL CODE: *51-51-311-275-03* USE IS: ☐ Permitted
☒ Special
☐ Not Permitted

BULK REGULATIONS

	REQUIRED BY ZONING	PROPOSED IN PLAN	COMPLIANCE YES - NO	
PARCEL SIZE:	<i>Eight Acres</i>	<i>8.6 or 10 + Acres</i>	<i>X</i>	<input type="checkbox"/>
HEIGHT:	<i>< 30 '</i>	<i>< 30 '</i>	<i>X</i>	<input type="checkbox"/>
PARKING:	<i>72</i>	<i>more than 72</i>	<i>X</i>	<input type="checkbox"/>

OTHER:

REVIEWED BY: *For Lane*

DATE: *1-31-96*

STAFF REPORT

PLANNED UNIT DEVELOPMENT
CORNER FIRST AND CHERRY STREET

by: Jon Rose, Code Administrator

This request for a Planned Unit Development appears to be fairly non-controversial. Because it is located in the R-3 Zoning District where duplexes are a permitted use. All of the proposed units in the development are duplexes.

The R-3 Zoning District carries a recommended density of between four and six housing units per acre. The proposed development has a density of less than four units per acre.

It is proposed by the developer that the interior streets be built to City standards and be turned over to the City. The City has several requirements including one that the easements be 66 feet in width and the road bed and pavement be to City standards. The developers prefer not to place curb and gutter and sidewalks in the development. They anticipate using the contour of the street edge where it meets the lawn as a potential storm water runoff control. Staff has no objections to that, however it might be appropriate to require concrete curb and gutter along Cherry Street adjacent to the development. This would help avoid potential conflicts with people parking on Cherry to use the park and ball diamonds as well as help handle storm water on Cherry Street.

Items which need to be considered include:

1. Greenbelt/buffer around the perimeter of the project. The Zoning Ordinance allows the Planning Commission to decide whether a greenbelt will be required and if so to what degree.
2. Set-backs from the interior street. The set-back in places of the interior of the project are approximately 33 feet from the center of the street, or right on the edge of the 66 foot easement. While it should not be necessary to require a typical front yard set-back in the interior of the project, some amount of set-back (perhaps 10 feet) should be required.

February 1, 1996

3. Elevations - This site plan comes before you with no building elevations. There are several ways you can address this.
 - a. You have assurances from the developer that the buildings will not exceed 30 feet in height (which is the requirement of the Zoning Ordinance) so you could simply approve the site plan as it is and leave actual plan review up to the Code Administrator for individual units.
 - b. As a special Use Permit you can issue the permit with conditions or contingencies. You could require that the developer come back before the Planning Commission with elevations for approval at a later date.
 - c. You could require that the developer run the plans by the Historic Overlay Committee for approval as is required of Harbor Village.

Should approval of the Site Plan and PUD be given, this issue should be addressed in some form.

This plan appears to coincide with the type of development that is good for the City as well as the type of development that housing needs studies has suggested is desirable.

January 28, 1996

Mayor Conway and City Council,

We strongly urge the City Council to approve the following actions regarding the Golf Course and Cherry Street gas wells, and their associated pipelines during the Council's regular meeting on February 6th:

- 1) Hire an independent expert consultant to work directly for the City to perform a safety study of the Golf Course well and its pipeline, and of the Cherry Street well and its pipeline. The study should determine the amount of poisonous hydrogen sulfide (H₂S) which could exist in all areas surrounding the wells and pipelines during leaks and other accidents which must be assumed for public safety. Special attention should be given to emergency plans and evacuation feasibility.
- 2) Select a special ad hoc committee to develop the scope for the study, recommend the consultant(s) to perform the study, review results of the study, and make recommendations to the Council.
- 3) Appoint the following persons to the special ad hoc committee: Tom Stege and Jim Johnson from the City Managers Technical Committee, Ron Bauman and one additional member from the Planning Commission, three citizens selected by the City Council, one member of the City Council, and one member of the City staff.
- 4) Place a legally binding hold on the start of pipeline construction until the special ad hoc committee has reviewed the consultants final report, and the City Council has accepted and acted on Committee recommendations.

We assure the public that the study is totally independent and not biased by royalty or any other considerations, we feel that the committee identified in item 3 is essential.

To date no one has performed an adequate safety analysis, or developed an emergency plan. The risk to public health and safety has not been determined. - The toxicity of H₂S and its deadly effect on human life is well documented.

The City should not use H₂S public exposure values received from anyone other than the City's own consultant in reaching a conclusion on well and pipeline safety. Also, it does not matter whether the wells are classified as sour, or sweet gas. As documented by information in a letter written by Basin Pipeline Co's own engineer, a sweet gas leak can result in a poison gas exposure to the public which far exceeds Michigan Public Health Department limits.

Thank you on behalf of all current and future residents of the entire Manistee area,

Ken Billmeier
Pam Billmeier

Ken & Pam Billmeier

Larry & Betsy Bieliski

Larry & Betsy Bieliski

John & Jane Schimke

John & Jane Schimke

Dr. Mike Reines

Dr. Mike Reines

Albert McWatt

Elaine McWatt

Albert & Elaine McWatt

Gary & Cheryl Schwaiger

Gary & Cheryl Schwaiger

Richard & Pat Kamalowski

Richard & Pat Kamalowski

Dr. Kimiko Snider

Dr. Kimiko Snider

Bob Cunningham

Bob & Mary Cunningham

Ed. Grabowski

Ed & Marge Grabowski

Ron Bauman

Ron & Donna Bauman